THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11043 of 2006

17.1.2007

Between:

Ali Basha Khan, S/o.Mohammed Khan

... Petitioner

AND

The District Collector, Guntur
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11043 of 2006

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.3.57 in survey Nos.102 and 103 situated at Naulur village of Mangalagiri Mandal in Guntur District. The third respondent herein acquired an extent of Acs.136.23 in various survey numbers for future development. The petitioner asserts that the land owned by the petitioner however was not acquired. He applied to the fourth respondent seeking approval/permission under Section 121 of A.P. Panchayat Raj Act, 1994 (the Act, for brevity) for construction of commercial complex. By an endorsement dated 09.5.2006, the fourth respondent rejected the application on the ground that the land in survey Nos.102 and 103 is intended for future use of Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority (VGTM UDA). Aggrieved by the same, the present writ petition is filed.

At the stage of admission itself, the Special Deputy Collector and Land Acquisition Officer of VGTM UDA, filed counter affidavit *inter alia* stating that the land in survey Nos.102 and 103 was acquired by Award No.3/90 dated 02.7.1990 and that the petitioner has no right to raise any construction on the land.

Learned Counsel for the petitioner disputes the allegation made by the second respondent in the counter affidavit. He however submits that having regard to Section 128 of the Act, effective remedy of appeal lies and the petitioner seeks to avail the same. Liberty is given to the petitioner to avail the remedy of appeal to the District Panchayat Officer against the endorsement dated 09.5.2006 issued by the fourth respondent.

The writ petition is therefore dismissed as withdrawn.

(**V.V.S.RAO,J**)

January 17, 2007.
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